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10/767,729	01/30/2004	Jay Proano	1875.5640000	6095
26111 STERNE, KES	7590 05/16/2000 SSLER, GOLDSTEIN &	EXAMINER		
1100 NEW YORK AVENUE, N.W.			LUGO, DAVID B	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CER 1.136(a). In oceruni, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If No period for reply is appedited above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 30 January 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 20 is/are allowed. 6) Claim(s) 20 is/are allowed. 6) Claim(s) 1.4.5.12 and 15 is/are rejected. 7) Claim(s) 2.3.6-11.13.14 and 16-19 is/are objected to. 8) Claim(s) 1.4.5.12 and 15 is/are rejected. 7) Claim(s) 2.3.6-11.13.14 and 16-19 is/are objected to. 8) Claim(s) 7.15 is/are filed on 30 January 2004 is/are: a) 20 accepted or b) 0 objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 30 January 2004 is/are: a) 20 accepted or b) 0 objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner			SK				
## Examiner David B. Lugo ## 2011 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ### Examiner of them may be available under the provisions of 3° CFR 1.138(a). In no event, however, may a reply be timely filled. ### BORD FROM THE PROVIDED FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. #### Examiner or the provision of the mailing and the service of the provision of the pro		Application No.	Applicant(s)				
David B. Lugo	Office Action Commence	10/767,729	PROANO ET AL.				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - after 5ix (9) MONTHS from the mailing date of this communication. - if No period for trap is specified above, he mainimum stations period will apply and will easily at 8() MONTHS from the mailing date of this communication. - if No period for trap is specified above, he mainimum stations period will apply and will easily at 8() MONTHS from the mailing date of this communication. - if No period for trap is specified above, he mainimum stations period will apply and will easily at 8() MONTHS from the mailing date of this communication, even if finally fleet, may reduce any extended patent term adjustment. See 37 CFR 1.704(b). - Status 1) □ Responsive to communication(s) filled on 30 January 2004. 2a □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C. D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5□ Claim(s) 20 is/are allowed. 6) □ Claim(s) 1.4.5.12 and 15 is/are rejected. 7□ Claim(s) 2.3.5-11.13.14 and 16-19 is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on 30 January 2004 is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of. 1. □ Certified copies of the priority documents have been received i		_					
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Application/Control Number: 10/767,729

Art Unit: 2611

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1, 4, 5, 12, 15 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Blanc et al U.S. Patent 6,990,418.

Regarding claim 1, Blanc discloses a method of monitoring the quality of a communications channel comprising receiving a data signal and establishing a zero reference phase of the data signal when a phase rotator position is set to its minimum value (col. 7, lines 35-38), phase shifting and sampling the data signal relative to the zero reference phase as sampler 514 is controlled by phase rotator 504 to generate n x p sample values (col. 6, lines 56-59; Fig. 5), detecting bit errors in the phase shifted data signal and determining a communications channel quality measurement based on the detected errors by performing an XOR operation between the sampled signal and a shifted version of the sampled signal and an OR operation between the XOR result and a previous value stored in a register (col. 7, lines 39-45; see also col. 4, lines 36-40), where a "digital eye" characterizing the high-speed signal quality is obtained from the result (col. 6, line 65 to col. 7 line 1; col. 10, lines 9-11).

Regarding claim 4, the step of detecting bit errors comprises comparing the phase shifted data signal to a pattern signal in the XOR operation (col. 7, lines 39-45).

Regarding claim 5, Blanc further discloses that a request is received by a microprocessor to control the operation of generating the signal quality (col. 3, lines 39-45).

Regarding claim 12, Blanc discloses a method of monitoring the quality of a communications channel comprising receiving a data signal and establishing a zero reference phase of the data signal when a phase rotator position is set to its minimum value (col. 7, lines 35-38), phase shifting and sampling the data signal relative to the zero reference phase as sampler 514 is controlled by phase rotator 504 to generate n x p sample values (col. 6, lines 56-59, Fig. 5), detecting bit errors in the phase shifted data signal and determining a communications channel quality measurement based on the detected errors by performing an XOR operation between the sampled signal and a shifted version of the sampled signal and an OR operation between the XOR result and a previous value stored in a register (col. 7, lines 39-45; see also col. 4, lines 36-40), where a "digital eye" characterizing the high-speed signal quality is obtained from the result (col. 6, line 65 to col. 7 line 1; col. 10, lines 9-11), and reiterating the steps for a plurality of phase positions (i.e. number of phase positions = p) that are shifted relative to the zero reference phase (see col. 6, lines 62-65).

Regarding claim 15, the step of detecting bit errors comprises comparing the phase shifted data signal to a pattern signal in the XOR operation (col. 7, lines 39-45).

Allowable Subject Matter

- 3. Claim 20 is allowed.
- 4. Claims 2, 3, 6-11, 13, 14 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2611

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Lugo whose telephone number is 571-272-3043. The examiner can normally be reached on M-F; 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David B. Lugo Patent Examiner

5/12/07